



**Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)**

Office of Information Technology Policy on Access to Data and Information on State Owned Computer Devices

I. Statement

The responsibility for responding to [Freedom of Access Act](#)¹ requests for data or information that is hosted on state-owned computer devices falls to the State department and/or agency responsible for the collection and use of the data or information requested. The Office of Information Technology will provide assistance to the department or agency with searching for, identifying all data stored within OIT, retrieving, and/or compiling such data or information when requested to do so.

II. Purpose

This policy sets forth the respective responsibilities of State departments and agencies, and the Office of Information Technology, in responding to Freedom of Access Act requests for data or information that is hosted on state-owned computer devices.

III. Applicability

This policy applies to all requests for data or information presented to the Office of Information Technology (OIT).

IV. Responsibilities

A. The Chief Information Officer (CIO) will:

1. Immediately forward all requests for a department's or agency's data or information to the head of that department or agency, or their designee, for response. A notice will be sent to the requester confirming this action, and will include the contact information for the individual to whom the request was forwarded.
2. OIT will identify all medium where requested data may be stored and provide this information to the responding agency.

¹ <http://www.mainelegislature.org/legis/statutes/1/title1ch13sec0.html>

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3. As requested, assign OIT staff to provide support to agencies in meeting their requests for information and data.

B. State departments and agencies, as required by the Freedom of Access Act, are responsible for fulfilling requests for access to public records including information and data hosted on state-owned computer devices. All responses and decisions regarding the production of such information or data, such as the scope of the search, the redaction or withholding of information, the timing and cost of production, etc., are the sole responsibility of the department or agency.

V. Guidelines & Procedures

A. No OIT employee shall provide public access to data and/or information hosted on OIT computer devices without prior consultation with the department or agency that is the custodian of the data or information.

B. Freedom of Access Act requests received by OIT employees will be forwarded to the CIO who will forward to the appropriate department or agency head.

VI. Definitions

1. Computer Device - Computer device means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device². Common examples currently in use include laptops, personal computers, servers, and hand-held devices (including personal digital assistants (PDA), and cell phones).

VII. References

1. This policy supersedes the State of Maine Policy on Access to Public Records adopted by the Information Services Policy Board March 9, 1990.
2. [M.R.S.A. Title 5, Section 1982](#)³ Paragraph 9. Protection of Information Files reads in part “...All data files are the property of the agency or agencies responsible for their collection and use.”

VIII. Document Information

Initial Issue Date: October 6, 2006

Latest Revision Date: June 29, 2015 – to update Document Information.

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² <http://janus.state.me.us/legis/statutes/17-a/title17-asec431.html>

³ <http://janus.state.me.us/legis/statutes/5/title5sec1982.html>

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Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)⁴; and [Maine's Freedom of Access Act](#)⁵

Waiver Process: See the [Waiver Policy](#)⁶.

⁴ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

⁵ <http://www.maine.gov/foaa>

⁶ <http://maine.gov/oit/policies/waiver.htm>